

REED SMITH LLP

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. VILLA, JR.,

Plaintiff,

vs.

LINDA ROWE; JENNIFER SWINEY;  
BHAWNA JAIN,

Defendants.

No.: C07-01436 WHA

~~PROPOSED~~ WRIT OF HABEAS CORPUS  
AD TESTIFICANDUM

Trial Date: August 8, 2011

Time: 7:30 a.m.

Place: Courtroom 9

Judge: Hon. William Alsup

John Daniel Villa, Jr., inmate no. J-38001, a necessary and material party in the proceedings in this case, is confined currently in San Quentin State Prison, San Quentin, CA 94964. He is the Plaintiff in this matter. To provide Mr. Villa's attorneys sufficient time before trial to meet with Mr. Villa in person to prepare for the case it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Warden to produce Mr. Villa at a time before trial, which is tentatively scheduled to begin August 8, 2011. Plaintiff's counsel must also meet with him on at least two separate days for a minimum of three hours each day. To secure his participation it is necessary that a Writ of Habeas Corpus Ad Testificandum issue commanding the Warden of San Quentin custodian to produce Mr. Villa before this court, Courtroom 9, 19<sup>th</sup> Floor, United States Courthouse, 450 Golden Gate Ave., San Francisco, California 94102 tentatively on August 8, 2011 at 7:30 a.m. and each day thereafter through the duration of his trial.

Accordingly, **IT IS ORDERED** that:

1. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court, commanding the Warden of San Quentin State Prison, San Quentin, CA 94964, to produce the inmate for at least two attorney visiting days in advance of August 8, 2011, so that Mr. Villa can meet with his attorney(s) at least twice prior to the trial date;

2. A Writ of Habeas Corpus Ad Testificandum Issue, under the seal of this court, commanding the Warden of San Quentin State Prison, San Quentin, CA 94964, to produce the inmate before this court, Courtroom 9, 19<sup>th</sup> Floor, United States Courthouse, 450 Golden Gate Ave., San Francisco, California 94102, no sooner than August 8, 2011, 7:30 a.m. and from day to day as advised by the Court and the parties until the completion of court proceedings as ordered by the Court under the custody of the Federal Marshal;

3. It is further ordered that Mr. Villa's designation as a "Special Needs" inmate must stay in place at all times while he is located or housed at San Quentin State Prison, the U.S. District Court for the Northern District of California, and any other facility or location it is necessary to take Mr. Villa in order to implement this writ. As a "Special Needs" inmate, Mr. Villa is not to be housed or transported with anyone in the General Prison Population, including during his transportation from and to San Quentin or upon his return to Ironwood State Prison, Blythe,

1 California 92226.

2 4. The Clerk of Court is ordered to serve a courtesy copy of this order and Writ of  
3 Habeas Ad Testificandum on the Out To Court Desk of San Quentin State Prison, San Quentin, CA  
4 94964.

5 5. Upon completion of the trial in this civil rights action, and upon satisfaction of this  
6 writ by the Court, the United States Federal Marshal return John D. Villa, Jr. to State Officers so that  
7 they may return him to Ironwood State Prison under safe and secure conduct.

8 6. San Quentin State Prison, Ironwood State Prison, the Sheriff's Department, the United  
9 States Marshal, and the United States Bureau of Prisons shall each bear their respective costs of  
10 implementation of the terms of this writ and that the United States Marshal shall provide all  
11 necessary security for the custody of John D. Villa, Jr., so long as he is in the temporary custody of  
12 the Court.

13 I **COMMAND** you to produce the inmate named above to appear before the United States  
14 District Court at the time and place named above; and thereafter to return the inmate to the above  
15 institution.

16 Further, you are **ORDERED** to notify the Court of any change of custody of the inmate and to  
17 provide the new custodian with a copy of this writ.

18  
19 DATED: July 18, 2011.

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21 Honorable William Alsup  
22 District Judge, U.S. District Court for the Northern  
23 District of California  
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